

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 18-20, 23-28, and 31-42 are pending in the present application. Claims 1-17, 21, 22, 29 and 30 were previously canceled. Claims 18, 27, 28, 31, 33, 34 and 41 are independent.

Allowable Subject Matter

The Examiner states that claims 18-20, 23-28, and 31-42 are allowed.

The Applicant thanks the Examiner for the indication of allowable subject matter in this application.

Examiner Interview

Applicant wishes to thank the Examiner for the courtesies extended to Applicant's representative, Carl T. Thomsen, Registration No. 50,786, during the telephone interviews which were conducted on November 16 and 17, 2004. During the interview, Applicant's representative proposed changes to the specification to overcome the Examiner's allegation that new matter was included in the Substitute Specification dated August 3, 2004. The specification has been amended in the manner discussed during the interview, and is believed to place the application into condition for allowance based on the Examiner's agreement. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Traversal of Alleged New Matter/Amendment to the Specification

The Examiner has objected to the substitute specification dated August 3, 2004 because it allegedly contains new matter on page 16 which was not in the original specification filed on January 12, 2001. This objection is respectfully traversed.

The Examiner refers to page 16, lines 8-10 of the substitute specification dated August 3, 2004 which reads as follows:

“The diagnostic state request object performs a diagnosing of a system and a diagnostic state confirmation object transfers the various ID information related to the system to the head end 400A or the broadcasting station.”

The Examiner also refers to page 16, lines 14-16 of the substitute specification dated August 3, 2004 which reads as follows:

“The diagnostic state confirmation object transfers the diagnosis result performed by the OOB protocol processor 51 to the head end 400A or to the broadcasting station.”

The Applicant respectfully submits that the above statements do not constitute new matter, since they are fully supported on page 15, lines 14-16, page 16, lines 6-7, and page 17, lines 7-11 of the original specification filed on January 12, 2001. See also FIGS. 7 and 8, and FIG 11, steps 6-7.

However, to further clarify the wording in the disclosure, the Applicant has amended the specification in the manner discussed during the interview which was agreed would overcome the objection.

No new matter has been added. The Applicant respectfully submits this application is in condition for allowance.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action and that the present application is in condition for allowance.

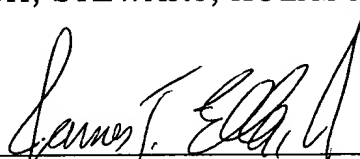
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000 or direct line (703) 208-4030.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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By



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